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DE RUEHBUL #3103/01 2781815
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FM AMEMBASSY KABUL
TO RUEHC/SECSTATE WASHDC PRIORITY 1841
INFO RUCNAFG/AFGHANISTAN COLLECTIVE PRIORITY
RHEHAAA/NSC WASHDC PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY

C O N F I D E N T I A L KABUL 003103

SIPDIS

E.O. 12958: DECL: 10/04/2019
TAGS: [PGOV](#) [PREL](#) [AF](#)
SUBJECT: THE CABINET SELECTION PROCESS IN AFGHANISTAN

REF: A. KABUL 1605
[1](#)B. KABUL 599
[1](#)C. KABUL 1594

Classified By: PolCouns Annie Pforzheimer reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: The Afghan President has the right to select members of the Cabinet, with the endorsement of the Parliament Lower House, according to the Afghan Constitution.

Ministry nominations have been rejected by the Lower House on a few occasions, and the Lower House has also issued "no confidence" votes to dismiss ministers later in their term; Karzai ignored them at least three times (reftels.) In addition, a Senior Appointment Advisory Board (SAAB) was established in September 2006 to provide appointment advice to the President, as well as candidate vetting for Ministers, Governors, and other high level positions. Some Palace insiders deny SAAB should review the top 80-90 positions, to include Ministers and Deputy Ministers, but an independent SAAB board member told us they should and will. End Summary.

Minimum Qualifications

[1](#)2. (U) Article 64 of the Afghan Constitution states that the President appoints the Ministers, the Attorney General, the Head of the Central Bank, the National Security Director as well as the Head of the Red Cross with the endorsement of the House of People. The Afghan Constitution further states that all Ministers must 1) have only Afghan citizenship; if they have another citizenship, the Lower House of Parliament can chose to accept or reject the nomination, 2) have higher education, work experience and a good reputation, 3) be older than 35 years old, and 4) have no convictions of crimes against humanity, a criminal act or deprivation of civil rights by a court.

Lower House Approval

[1](#)3. (SBU) The Lower House of Parliament has rejected a Minister nomination on a few occasions. They have also given several "no confidence" votes to remove Ministers once they were in office. Karzai accepted these votes and the Minister left on some occasions, such as in the winter of 2008 when the Minister of Refugees was removed when many Afghans died as the Iranians forced the refugees to return to Afghanistan during harsh weather conditions. However, in at least three cases, the Ministers stayed on, as in the case of Foreign Minister Rangin Dadfar Spanta, also for the refugee crisis, as well as Minister for Border and Tribal Affairs Assadullah Khalid and Haji and Islamic Affairs Minister Sediq Chakari. Khalid was accused of not respecting tribal elders, while Chakari was accused of corruption. Karzai allowed them to continue indefinitely as "acting ministers."

Senior Appointment Board

¶4. (SBU) The SAAB is made up of five representatives, to include one committee member from the Afghan Independent Human Rights Commission, Farid Hamidi, one committee member from the Afghan National Development Strategy, Ms. Humma Sabri, and three presidential appointees, Hashim Esmatullahi, Mohammadullah Batagh, and Mr. Zakim Shah Khan. SAAB Farid Hamidi told us they review all Ministers, Deputy Ministers, Governors and other high level positions. The board provides information on whether or not nominees have ties to corruption, human rights violations, illegal armed groups, and if they have adequate experience and education.

¶5. (SBU) The Afghanistan Compact that was signed in London in February 2006 provided the basis for the SAAB, and states that, "a clear and transparent national appointments mechanism will be established within 6 months, applied within 12 months and fully implemented within 24 months for all senior level appointments to the central government and the judiciary, as well as for provincial governors, chiefs of police, district administrators and provincial heads of security." However the Head of the Office of Administration Affairs (OAA) Dr. Mubader told us October 4 that approximately 80-90 senior level positions did not fall into the SAAB process, to include Ministers, Deputy Ministers, and Directors such as himself. He said only Governors and District Governors went through the SAAB--he claimed the Afghanistan Compact signed in London was clear on this.

¶6. (C) SAAB Farid Hamidi, who is not a Karzai appointee, told us that President Karzai has accepted all of the Senior Appointment Advisory Board suggestions to disqualify candidates when they related to linkages to armed groups, corruption, and human rights offenses to date. However, the last time Karzai picked a cabinet, this board was not yet established, so it has been tested only on a limited number of appointments (since 2006). Hamidi noted that in a few special cases, the SAAB rejected a name initially, but allowed the nominees to reverse the finding if they went to the Disarming Commission and they certified the individual had disarmed properly. Most MPs tell us they have never heard of the board, and doubt that Karzai's three board appointees are neutral, therefore making the SAAB ineffective at blocking unsavory nominees.

The Reform Commission

¶7. (SBU) Director General of the Office of Administrative Affairs (OAA) Dr. Mudaber told us the Reform Commission, a separate body, does background checks on lower level civil service candidates, to include a review of their CV, background, education, and government experience. When these checks are completed, the names are sent back to the OAA, which sends the final recommendations to the President.

¶8. (C) Comment: Although some of our interlocutors are skeptical that the SAAB has as much influence as Hamidi suggests, it is clearly a possible avenue to exert pressure on Karzai to make responsible Ministerial picks, although the board's dependability and neutrality is still unclear. The Lower House of the Parliament is another option, albeit less dependable, as many MPs are actually on the Karzai or other regional players' payroll. The Embassy is engaging with the SAAB, and also exploring the possibility of the SAAB process being applied to the Ministers and Deputy Ministers. End Comment.
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